IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 1818 of 2002

HONOURABLE MR.JUSTICE KS JHAVERI

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G S R T C - Petitioner(s)
Versus
SM VADHER - Respondent(s)

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Appearance :
MR HARDIK C RAWAL for Petitioner(s) : 1,
MR GK RATHOD for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 22/11/2005

ORAL JUDGMENT

1. This petition is directed against the award passed by the Labour Court, Godhra, dated 9th May 2001 in Reference (LCG) No.648 of 1999, whereby the petitioner was directed to reinstate the respondent on his original post with continuity of service without back wages.

2. The short facts of the case are that the respondent was working with

the petitioner Corporation as a conductor. On a surprise checking it was found that the respondent was involved in serious irregularities and therefore a charge-sheet was issued to him. A departmental inquiry was conducted which resulted into dismissal of the respondent. The respondent therefore raised a dispute which was referred to Labour Court, Godhra, and registered as Reference (LCG) No.648 of 1999. The Labour Court, after hearing the parties, passed the award as stated hereinabove which is challenged in the present petition.

3. Mr. Raval for the petitioner submitted that it was after a proper inquiry the services of the respondent were terminated. He further submitted that the respondent has not worked for more than one and half years since he was a Badli Worker and therefore, there was no justification for reinstating the respondent.

4. As a result of hearing and perusal of the record, I find that the aspect that the respondent had not worked more than one and half years and that he was a Badli Worker was not considered by the Labour Court. Learned counsel for the respondent is unable to contest this position. I am, therefore, of the opinion that interest of justice would be met if the matter is remanded to the Labour Court for fresh consideration.

5. In the premises aforesaid, the impugned award is quashed and set aside. The matter is remanded to the Labour Court for considering the matter afresh. The Labour Court shall consider the matter afresh without being influenced by the fact that the award in question is quashed and set aside by this Order. The parties will appear before the Labour Court on 16th January 2006 and Labour Court is directed to disposed of the matter within a period of two months thereafter. Rule is made absolute to the aforesaid extent with no order as to costs.

[K.S. JHAVERI, J.]

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